

AMENDED IN ASSEMBLY APRIL 23, 2013

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1096

Introduced by Assembly Member Nestande
(Coauthor: Assembly Member V. Manuel Pérez)

February 22, 2013

An act to amend ~~Sections 5155 and 5156~~ *Section 5151* of, and to add Section 5162 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, as amended, Nestande. Vehicles: specialized license plates: Salton Sea.

~~Existing law requires the Department of Motor Vehicles to issue specialized license plates for a specialized license plate program sponsored by a state agency that complies with certain requirements. Under existing law, a state agency is authorized to apply to the Department of Motor Vehicles to sponsor a specialized license plate program, and the department is required to issue those license plates if the agency meets certain requirements.~~ Existing law also requires the department to charge specified fees for certain services related to the issuance of those plates.

~~This bill would require the department, in consultation with~~ *include* the Salton Sea Joint Powers Authority, ~~to design and make available for issuance within the definition of state agency for the purposes of these provisions. The bill would authorize the authority to apply to the department to sponsor a special Salton Sea environmental interest license plates bearing plate program, and would require the department~~

to issue the license plates if the authority meets certain requirements. The bill would require the plates issued under the program to bear a full-plate graphic design, as specified, ~~upon~~ and would require the payment of an additional fee by a person applying for the special plate. The bill would also ~~create~~ require the revenue generated from the license plates, as specified, to be deposited in the Salton Sea Restoration Account created by the bill in the Specialized License Plate Fund for expenditure, ~~upon appropriation, to provide efforts to restore the Salton Sea.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 5151 of the Vehicle Code is amended to*
2 *read:*

3 5151. (a) As used in this article, “state agency” means a state
4 office, officer, department, division, bureau, board, or commission,
5 ~~or any other state body or agency; agency, or the Salton Sea Joint~~
6 *Powers Authority.*

7 (b) It is the intent of the Legislature that this article contain the
8 authority for specialized license plates for state agencies.

9 *SEC. 2. Section 5162 is added to the Vehicle Code, to read:*

10 5162. (a) *The Salton Sea Joint Powers Authority may apply*
11 *to the department, pursuant to Section 5156, to sponsor a Salton*
12 *Sea license plate program. The department shall issue specialized*
13 *license plates for that program if the Salton Sea Joint Powers*
14 *Authority complies with the requirements of Section 5156.*

15 (b) *Notwithstanding Section 5155, the Salton Sea license plates*
16 *shall bear a full-plate graphic that the department determines, in*
17 *consultation with the Department of the California Highway Patrol,*
18 *does not obscure the readability of the license plate, and that*
19 *depicts an image to be designated by the Salton Sea Joint Powers*
20 *Authority.*

21 (c) *Notwithstanding subdivision (c) of Section 5157, the*
22 *additional fees prescribed by Section 5157 for the issuance,*
23 *renewal, or transfer of the specialized license plates shall be*
24 *deposited, after the department deducts its administrative costs,*
25 *in the Salton Sea Restoration Account, which is hereby created in*
26 *the Specialized License Plate Fund.*

1 ~~SECTION 1. Section 5155 of the Vehicle Code is amended to~~
2 ~~read:~~

3 ~~5155. The design criteria for a specialized license plate are as~~
4 ~~follows:~~

5 ~~(a) Except as provided in Sections 5161 and 5162, the license~~
6 ~~plate for a passenger vehicle, commercial vehicle, or trailer shall~~
7 ~~provide a space not larger than two inches by three inches to the~~
8 ~~left of the numerical series and a space not larger than five-eighths~~
9 ~~of an inch in height below the numerical series for a distinctive~~
10 ~~design, decal, or descriptive message as authorized by this article.~~
11 ~~The license plates shall be issued in sequential numerical order or,~~
12 ~~pursuant to Section 5103, in a combination of numbers or letters.~~

13 ~~(b) Specialized license plates authorized under this article may~~
14 ~~be issued for use on a motorcycle. That license plate shall contain~~
15 ~~a five-digit configuration issued in sequential numerical order or,~~
16 ~~pursuant to Section 5103, in a combination of numbers or letters.~~
17 ~~There shall be a space to the left of the numerical series for a~~
18 ~~distinctive design or decal and the characters shall contrast sharply~~
19 ~~with the uniform background color. A motorcycle plate containing~~
20 ~~a full plate graphic design is not authorized.~~

21 ~~(c) Specialized license plates may be issued as environmental~~
22 ~~license plates, as defined in Section 5103.~~

23 ~~SEC. 2. Section 5156 of the Vehicle Code is amended to read:~~

24 ~~5156. (a) (1) A state agency may apply to the department to~~
25 ~~sponsor a specialized license plate program, and the department~~
26 ~~shall issue specialized license plates for that program, if the agency~~
27 ~~complies with all of the requirements of this article.~~

28 ~~(2) The department shall not issue specialized license plates to~~
29 ~~a state agency for a vehicle that is exempt from the payment of~~
30 ~~registration fees pursuant to Section 9101 or 9103.~~

31 ~~(b) Except as provided in subdivision (d), the department shall~~
32 ~~not establish a specialized license plate program for an agency~~
33 ~~until the department has received not less than 7,500 applications~~
34 ~~for that agency's specialized license plates. The agency shall collect~~
35 ~~and hold applications for the plates. Once the agency has received~~
36 ~~at least 7,500 applications, it shall submit the applications, along~~
37 ~~with the necessary fees, to the department. The department shall~~
38 ~~not issue a specialized license plate until the agency has received~~
39 ~~and submitted to the department not less than 7,500 applications~~
40 ~~for that particular specialized license plate within the time period~~

1 prescribed in this section. Advance payment to the department by
2 the agency representing the department's estimated or actual
3 administrative costs associated with the issuance of a particular
4 specialized license plate shall not constitute compliance with this
5 requirement. The agency shall have 12 months, following the date
6 of approval of the agency's initial application to sponsor a
7 specialized license plate program, to receive the required number
8 of applications. If, after that 12 months, 7,500 applications have
9 not been received, the agency shall immediately do either of the
10 following:

11 (1) Refund to all applicants all fees or deposits that have been
12 collected.

13 (2) Contact the department to indicate the agency's intent to
14 undertake collection of additional applications and fees or deposits
15 for an additional period, not to exceed 12 months, in order to obtain
16 the minimum 7,500 applications. If the agency elects to exercise
17 the option under this subparagraph, it shall contact each applicant
18 who has submitted an application with the appropriate fees or
19 deposits to determine if the applicant wishes a refund of fees or
20 deposits or requests the continuance of the holding of the
21 application and fees or deposits until that time that the agency has
22 received 7,500 applications. The agency shall refund the fees or
23 deposits to an applicant so requesting. The agency shall not collect
24 and hold applications for a period exceeding 24 months following
25 the date of approval of the agency's initial application to sponsor
26 a specialized license plate program.

27 (e) (1) If the number of outstanding and valid specialized license
28 plates in a particular program, except as provided in subdivision
29 (d), provided for in this article is less than 7,500, the department
30 shall notify the sponsoring agency of that fact and shall inform the
31 agency that if that number is less than 7,500 one year from the
32 date of that notification, the department will no longer issue or
33 replace those specialized license plates.

34 (2) Those particular specialized license plates that were issued
35 prior to the discontinuation provided by paragraph (1) may continue
36 to be used and attached to the vehicle for which they were issued
37 and may be renewed, retained, or transferred pursuant to this code.

38 (d) (1) The Department of Veterans Affairs may sponsor a Gold
39 Star Family specialized license plate program and the department
40 may establish this specialized license plate program in the absence

1 of 7,500 paid applications as provided in subdivision (d) of Section
2 5157.

3 ~~(2) The Department of Veterans Affairs shall, upon receiving~~
4 ~~proof of eligibility from an applicant, authorize the department to~~
5 ~~issue Gold Star Family specialized license plates for a vehicle~~
6 ~~owned by an eligible family member of a member of the Armed~~
7 ~~Forces of the United States who was killed in the line of duty while~~
8 ~~on active duty during wartime service, or during an international~~
9 ~~terrorist attack that has been recognized by the United States~~
10 ~~Secretary of Defense as an attack against the United States or a~~
11 ~~foreign nation friendly to the United States, or during military~~
12 ~~operations while serving outside the United States, including~~
13 ~~commonwealths, territories, and possessions of the United States,~~
14 ~~or as part of a peacekeeping force, which includes personnel~~
15 ~~assigned to a force engaged in a peacekeeping operation authorized~~
16 ~~by the United Nations Security Council. An eligible family member~~
17 ~~is defined as all of the following:~~

18 ~~(A) A person who is otherwise eligible under this article to~~
19 ~~register a motor vehicle.~~

20 ~~(B) A person who shows proof from the United States~~
21 ~~Department of Veterans Affairs or the Department of Defense that~~
22 ~~the member who was in the Armed Forces of the United States~~
23 ~~was killed in the line of duty while on active duty in the military.~~

24 ~~(C) A person who bears, and shows proof satisfactory to the~~
25 ~~Department of Veterans Affairs of, one of the following~~
26 ~~relationships to the member of the Armed Forces killed in the line~~
27 ~~of duty while serving on active duty:~~

28 ~~(i) Widow.~~

29 ~~(ii) Widower.~~

30 ~~(iii) Biological parent.~~

31 ~~(iv) Adoptive parent.~~

32 ~~(v) Stepparent.~~

33 ~~(vi) Foster parent in loco parentis.~~

34 ~~(vii) Biological child.~~

35 ~~(viii) Adoptive child.~~

36 ~~(ix) Stepchild.~~

37 ~~(x) Sibling.~~

38 ~~(xi) Half-sibling.~~

39 ~~(xii) Grandparent.~~

40 ~~(xiii) Grandchild.~~

~~(3) Upon the death of a person issued a Gold Star Family specialized license plate, the license plate shall be transferred to the surviving spouse, if he or she requests, or shall be returned to the department within 60 days after the death of the plateholder or upon the expiration of the vehicle registration, whichever occurs first.~~

~~(e) For purposes of this section, “state agency” includes the Salton Sea Joint Powers Authority.~~

~~SEC. 3. Section 5162 is added to the Vehicle Code, to read:~~

~~5162. (a) Notwithstanding Sections 5154 and 5155, the department, in consultation with the Salton Sea Joint Powers Authority, shall design and make available for issuance pursuant to this article special Salton Sea environmental design license plates as described in this section. The special Salton Sea environmental design license plates shall bear a full-plate graphic design that the department determines, in consultation with the Department of the California Highway Patrol, does not obscure the readability of the license plate depicting an image to be designated by the Salton Sea Joint Powers Authority. Any person described in Section 5101 may, upon payment of the additional fees set forth in subdivision (b), apply for and be issued a set of special Salton Sea environmental design license plates. The special Salton Sea environmental design license plates may be issued as environmental license plates, as defined in Section 5103.~~

~~(b) In addition to the regular fees for an original registration or renewal of registration, the following additional fees shall be paid for the issuance, renewal, or transfer of the special Salton Sea environmental design license plates authorized pursuant to this section:~~

~~(1) For the original issuance of the plates, fifty dollars (\$50).~~

~~(2) For a renewal of registration with the plates, forty dollars (\$40).~~

~~(3) For transfer of the plates to another vehicle, fifteen dollars (\$15).~~

~~(4) For each substitute replacement plate, thirty-five dollars (\$35).~~

~~(5) In addition, for the issuance of environmental license plates, as defined in Section 5103, with a full-plate graphic design described in subdivision (a), the additional fees prescribed in Sections 5106 and 5108. The additional fees prescribed in Sections~~

1 ~~5106 and 5108 shall be deposited in the California Environmental~~
2 ~~License Plate Fund.~~

3 ~~(e) Except as provided in paragraph (5) of subdivision (b), and~~
4 ~~after deducting its administrative costs under this section, the~~
5 ~~department shall deposit the additional revenue derived from the~~
6 ~~issuance, renewal, transfer, and substitution of special~~
7 ~~environmental design license plates in the Salton Sea Restoration~~
8 ~~Account, which is hereby created in the Specialized License Plate~~
9 ~~Fund. The funds in the account shall be used by the Salton Sea~~
10 ~~Joint Powers Authority, upon appropriation by the Legislature, for~~
11 ~~providing restoration efforts to the Salton Sea.~~